

**TOWN OF DAVIE**  
**TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**PREPARED BY:** Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

**SUBJECT:** July 16, 2008 minutes

**AFFECTED DISTRICT:** n/a

**ITEM REQUEST:** **Schedule for Council Meeting**

**TITLE OF AGENDA ITEM:** July 16, 2008 (Regular Meeting) (tabled from August 20, 2008)

**REPORT IN BRIEF:** Council minutes from the July 16, 2008 Council meeting.

**PREVIOUS ACTIONS:** n/a

**CONCURRENCES:** n/a

**FISCAL IMPACT:** not applicable

Has request been budgeted? n/a

**RECOMMENDATION(S):** Motion to approve

**Attachment(s):** July 16, 2008 minutes

**TOWN OF DAVIE  
REGULAR MEETING  
JULY 16, 2008**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:03 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Luis, Councilmembers Caletka, Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting.

Mayor Truex announced that staff had requested that item 5.3 be tabled to August 6, 2008.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table item 5.3 to August 6, 2008. In a voice vote, all voted in favor. (Motion carried 5-0)

**3. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 3.1 June 18, 2008 (Workshop Meeting)
- 3.2 June 18, 2008 (Regular Meeting)

*Resolutions*

- 3.3 **OPPOSITION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2008-141 EXPRESSING OPPOSITION TO A PROPOSAL KNOWN AS THE CALYPSO DEEPWATER PORT PROJECT THAT WOULD BRING LIQUIFIED NATURAL GAS TO FLORIDA VIA UNDERWATER PIPELINES, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.4 **OBJECTION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**  
R-2008-142 OBJECTING TO A RECENT REVERSAL BY GOVERNOR CRIST PERTAINING TO OIL EXPLORATION DRILLING OFF THE COAST OF FLORIDA, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.5 **SETTING A PUBLIC HEARING - A RESOLUTION OF THE TOWN COUNCIL**  
R-2008-143 OF THE TOWN OF DAVIE SETTING A PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON THE LEVY OF NON AD VALOREM SPECIAL ASSESSMENTS ON

CERTAIN PROPERTY WITHIN BOUNDARIES OF THE TOWN OF  
DAVIE PURSUANT TO F.S. 170 AND F.S. 197.

- 3.6      **ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA,  
R-2008-144      RELATING TO THE PROVISION OF FIRE RESCUE SERVICES,  
FACILITIES AND PROGRAMS IN THE TOWN OF DAVIE,  
FLORIDA; ESTABLISHING THE ESTIMATED ASSESSMENT  
RATE FOR FIRE RESCUE ASSESSMENT FOR THE FISCAL  
YEAR BEGINNING OCTOBER 1, 2008; DIRECTING THE  
PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A  
PUBLIC HEARING, AND DIRECTING THE PROVISION OF  
NOTICE THEREOF; PROVIDING FOR CONFLICTS; PROVIDING  
FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.  
(\$22,000)
- 3.7      **ASSESSMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA,  
R-2008-145      RELATING TO THE COLLECTION AND DISPOSAL OF SOLID  
WASTE IN THE TOWN OF DAVIE, FLORIDA; ESTABLISHING  
THE ESTIMATED ASSESSMENT RATE FOR SOLID WASTE  
SERVICE ASSESSMENTS AGAINST ASSESSED PROPERTY  
LOCATED WITHIN THE TOWN OF DAVIE, FLORIDA FOR THE  
FISCAL YEAR BEGINNING OCTOBER 1, 2008; DIRECTING THE  
PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A  
PUBLIC HEARING AND DIRECTING THE PROVISION OF  
NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.
- 3.8      **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF  
DAVIE, FLORIDA, SELECTING THE FIRM OF ACAI  
ASSOCIATES, INC. TO DESIGN AND LOCATE BUS SHELTERS  
AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS  
DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH  
SERVICES.
- 3.9      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA,  
R-2008-146      SELECTING THE FIRM OF NET ASSETS CORPORATION FOR  
THE PROVISION OF A FULL SERVICE ELECTRONIC PROPERTY  
REPORTING SERVICE AND AUTHORIZING THE TOWN  
ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR SUCH  
SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE.
- 3.10      **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
FLORIDA,

- R-2008-147      AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY FOR COMMUNITY ORIENTED POLICE OFFICERS.
- 3.11      **PURCHASE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-148      ACCEPTING THE BID AWARDED BY THE STATE OF FLORIDA (CONTRACT NUMBER 250-000-03-1) TO INSIGHT PUBLIC SECTOR, INC; AND AUTHORIZING THE EXPENDITURE OF \$33,534 FOR THE PURCHASE OF IN-CAR PRINTERS AND EQUIPMENT FOR THE TOWN OF DAVIE POLICE DEPARTMENT.
- 3.12      **CONTRACT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE
- R-2008-149      FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND KEMP GROUP INTERNATIONAL CORPORATION FOR SCHOOL CROSSING GUARDS FOR THE POLICE DEPARTMENT. (\$250,000)
- 3.13      **CHANGE ORDER** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-150      AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER #3 WITH WILLIAMS PAVING COMPANY, INC. TO CHANGE THE CONTRACTED SCOPE OF WORK AS DESCRIBED IN THE ATTACHED CHANGE ORDER #3. (\$11,274.32)
- 3.14      **MILLAGE RATE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
- R-2008-151      ESTABLISHING THE PROPOSED MILLAGE RATES TO BE LEVIED FOR OPERATING PURPOSES AND FOR VOTER APPROVED DEBT SERVICE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2008, AND ENDING SEPTEMBER 30, 2009.

Councilmember Starkey pulled items 3.3, 3.4, and 3.5 from the Consent Agenda. Councilmember Crowley pulled items 3.2 and 3.13. Councilmember Caletka pulled items 3.6 and 3.7. Mayor Truex pulled items 3.8 and 3.14.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.8, 3.13 and 3.14. In a voice vote, all voted in favor. (Motion carried 5-0)

#### **4. DISCUSSION OF CONSENT AGENDA ITEMS**

3.2 Councilmember Crowley noted that General Leroy Collins should be changed to Governor Leroy Collins.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve with this correction. In a voice vote, all voted in favor. (Motion carried 5-0)

3.3 Councilmember Starkey wanted additional backup information before voting on this item. She remembered that Councilmember Caletka had requested this item be put on Council's agenda, and she felt that making "these kinds of political statements" might be both premature and "too political of nature...with his County seat imminent for election." Councilmember Starkey favored hearing from experts regarding the Calypso Project and offshore drilling, in order to consider all of the issues. After conducting her own research, Councilmember Starkey said she still did not believe she had enough information to make a decision today.

Mayor Truex felt Council "shouldn't get involved in these State and National issues at all," and believed the "decision makers won't care what we say anyway." Mayor Truex thought the Town's residents expected Council to concentrate on their own pressing issues. He advised any Councilmember who felt strongly enough to become involved in the issue.

Councilmember Starkey reported that the League of Cities had created a Task Force to research these issues and would make their information available to cities. She had been asked to serve on this Task Force and agreed to bring the information to Council.

Councilmember Crowley agreed with Mayor Truex about Council's level of involvement, but stated, "When it comes to protecting the environment, I at least want to get my position on it." He opposed both the Calypso Project and offshore drilling because of the possible negative impact they would have on the ocean and reefs.

Vice-Mayor Luis agreed that Council had been provided insufficient backup, but he had gathered enough information on his own to oppose the Calypso Project. He believed the potential impact of these projects was critical and could ultimately affect the Town. Vice-Mayor Luis suggested they vote on the items since they were on the agenda.

Councilmember Caletka felt Council's stating their opinion would have an impact and the Governor would listen.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to approve item 3.3.

Councilmember Starkey was concerned about the escalating cost of oil and remarked that natural gas was a clean alternative to oil. She felt the Calypso Project should proceed through public discussion to educate the public regarding all sides of the issue. Councilmember Starkey felt they should be considering regulations to protect the environment and the ocean.

In a voice vote, with Councilmember Starkey and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

3.4 Councilmember Caletka made a motion, seconded by Councilmember Crowley, to approve item 3.4.

Councilmember Starkey felt it was premature to vote on this item with no backup information.

Councilmember Crowley did not feel it appropriate to include the verbiage regarding the "recent reversal by Governor Crist" in the resolution because this amounted to accusing him of "flip-flopping." Councilmember Crowley believed Governor Crist was just keeping an open mind in agreeing to consider offshore drilling as an option.

Councilmember Starkey agreed with Councilmember Crowley regarding Governor Crist's statements.

Councilmember Caletka amended his motion, to remove the words "a recent reversal by Governor Crist pertaining to" from the resolution.

In a voice vote, with Councilmember Starkey and Mayor Truex dissenting, all voted in favor. (Motion carried 3-2)

3.5 Budget & Finance Director Bill Ackerman explained that this resolution only set the date for the meeting, which was based on the deadline set by Broward County. He stated that the assessment amount would be discussed in item 3.6. Councilmember Starkey wanted to know what the amount was, and Mayor Truex suggested that item 3.6 first be discussed first.

Vice-Mayor Luis made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 3-2)

3.6 Councilmember Caletka opposed any increase in the fire assessment.

Mr. Ackerman stated that the maximum amount to be indicated on the notice was \$279.90 and reminded Council that they did not intend to actually assess this amount. He explained that the study and public notice were costly and this study would be usable for five years. Mr. Ackerman said Council actually intended to assess \$120, but noticing the maximum amount would provide flexibility in the future. He explained that the notice to residents was a standard template and would include a question and answer sheet explaining the Town's intention to assess \$120.

Chris Wallace, the Town's consultant, explained that the Town's apportioning method was changing and the assessment amount had a new maximum. He added that residents must receive notice of this change. At approximately the same time, residents would receive the TRIM property tax notices. Mr. Wallace suggested including the maximum on both the Town notice and the TRIM notice to avoid confusion.

Mr. Wallace had distributed an updated methodology report and asked Council to indicate in their motion that this was the one they were adopting. This report did not alter the residential rate, but changed the per square foot assessments for all other categories.

Councilmember Crowley intended to oppose the \$279 maximum, even projecting to five years, but would support the \$120 assessment this year. For a five-year maximum, he would support \$130.

Vice-Mayor Luis felt the \$279 maximum would provide the Town flexibility to raise the assessment in the future if need be, while saving the expense of additional studies and mailings. Mr. Shimun agreed.

Council discussed an alternative maximum assessment.

Councilmember Crowley made a motion to cap the maximum at \$130. The motion died for lack of a second.

Vice-Mayor Luis made a motion to cap the advertised maximum at \$200. The motion died for lack of a second.

Vice-Mayor Luis made a motion to cap the advertised maximum at \$190. The motion died for lack of a second.

Vice-Mayor Luis made a motion, seconded by Mayor Truex, to cap the advertised maximum at \$150. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 3-2)

Mr. Ackerman advised that the actual assessment would be decided on September 15th. Mayor Truex wanted the TRIM notice to state the \$120 assessment.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve the \$120 fire assessment for the TRIM notice. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

3.7 Councilmember Caletka stated he would not support these other assessments, "as usual."

Mayor Truex did not support the assessments either, but believed the Town should honor their contractual obligation. Mr. Ackerman explained that 95% of the increase was due to the increase in contract.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

3.8 Mayor Truex explained that for 20 years, the EASE Foundation contracted with a company to manage the bus shelters. Mayor Truex suggested tabling this item until staff could meet with EASE representatives to sort this out.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to Council's next meeting

Councilmember Starkey asked for a report from staff listing bus bench locations and how much money was generated for them prior to Council's voting on this.

Mayor Truex explained that the company the EASE Foundation contracted with provided maintenance and managed the advertisements at the bus shelters, which provided funds to the EASE Foundation. He feared that approving this would deprive the EASE Foundation of income.

Mr. Shimun requested 30 days for staff to meet with EASE Foundation representatives. Councilmember Crowley amended his motion to table to August 20.

Councilmember Caletka asked staff to provide him with copies of the top three proposals. Procurement Manager Herb Hyman agreed to provide these.

In a voice vote, all voted in favor. (Motion carried 5-0)

3.13 Councilmember Crowley asked why the curbs had been changed. Public Works Director Manny Diez explained there were two components to this change order. The first was for minor changes required during the permit application process. The second was the change to "mountable curbs" which could be run over without causing damage to a vehicle. Councilmember Crowley thought the original curb had been designed to prevent being driven over in order to protect landscaping and other nearby objects such as phone poles. Mr. Diez stated that areas requiring protection still included protective curbs. Councilmember Crowley said he would not approve this change order and

remarked that the two change orders brought the price up to equal the quote from the second place bidder.

Councilmember Starkey said the community always desired the mountable curbs to protect their livestock trailers. She noted that the previous change order was to move the Royal Palms to accommodate the mountable curb and to resolve drainage issues, which was required by the Central Broward Water Management District.

Councilmember Crowley argued that the bids should not have been advertised until all permits were in hand, so “something was not right here.” He asked who authorized this change.

Councilmember Starkey said the design always called for the mountable curb, but the design had not been followed, so the change was needed. She added that two sides of the roundabout could not be changed because of power poles.

Mr. Diez explained that the contractor’s engineer had drawn the plans and the Town engineer had approved them. He thought that when the design was created, it was determined the circle was large enough to accommodate vehicles with regular curbing. He had later discussed this with Councilmember Starkey, who informed him that residents had found it difficult to negotiate the roundabout with the regular curbs.

Fire Chief Joseph Montopoli advised that mountable curbs were preferred to protect the fire equipment.

Councilmember Caletka believed they had deviated from the original plan that the residents had approved and he would oppose the change order.

Vice-Mayor Luis pointed out that when a construction company worked for a municipality, they “would always have extras and changes.” He said he did not want a contractor “getting rich on extras” but he realized that changes were inevitable.

Councilmember Starkey reiterated that this was a legitimate change order to address drainage and safety issues.

Mr. Diez informed Council that the original drawings were created without regard to the surrounding area and, during construction, they needed to tie the construction drainage into the Math Igler Park drainage.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion failed 2-3)

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to deny item 3.13.

Vice-Mayor Luis said if he were the contractor on this project and the Town did not approve the change order, he would sue the Town for the costs plus attorney fees. He pointed out that denying the change order would ultimately be a greater waste of money than approving it. Mr. Shimun agreed.

In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - no; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Mayor Truex passed the gavel and made a motion, seconded by Councilmember Starkey, to reconsider the motion to approve. In a roll call vote, the vote was as follows:



Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 3-2)

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve.

Councilmember Crowley commented that there had been time for staff to make Council aware of what had happened, but the changes had been made without approval from Council, so he would oppose the motion.

Councilmember Caletka felt that “spending 18 grand so a few people can have ease” negotiating the roundabout was not necessary.

Mayor Truex informed Mr. Shimun he had “made a mistake on this one,” but would approve it because he did not want to “compound the mistake.” Councilmember Starkey advised staff to research how the mistake had been made.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - no; Councilmember Starkey - yes. (Motion carried 3-2)

3.14 Mayor Truex said he was opposed to increasing this amount and would vote against it.

Councilmember Caletka remembered stating at the workshop that even though the millage rate was going up, the taxes were going down, so he had supported this increase. He had since identified a way the Town could recoup the difference in revenue, and so would vote against it.

Councilmember Crowley pointed out that they could always roll the rate back after the hearings and workshops.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Mayor Truex asked Councilmember Caletka about his idea to recoup the revenue. Councilmember Caletka said the build-up in unreserved funds exceeded the recommended three-month operating budget reserves, and he favored taking \$1 million from reserves to make up the difference in revenue.

Mr. Shimun explained that millage rate revenues were “recurring revenues to cover recurring expenses” and remarked that it was “never, ever good practice to use savings to do recurring expenses” because the expenses would continue to compound. Councilmember Caletka said Amendment 1 allowed a 3% increase in one year, and this millage rate increase was 3%. Mr. Shimun pointed out, “You’re going to have to take that million next year to supplement what you’ve lost this year and a million the next year to supplement what you did, and a million after that...” Mayor Truex stated, “And that’s assuming none of your expenses go up.”

Mr. Ackerman said he would hesitate to use reserves to run operations “because it will be an ongoing expense, and we don’t want to be dipping into reserves every year.” He felt this was counter to the Town’s policy for the unreserved funds balance.

Vice-Mayor Luis said he had not supported Amendment 1, but the majority of residents had, so he would support it.

Mayor Truex felt residents who voted in favor of Amendment 1 believed the tax rate would not go up. He did not believe Councilmember Caletka's suggestion made sense because their reserves were on track. He did not favor "borrowing from our rainy day fund."

Vice-Mayor Luis said he had discussed streamlining departments with Mr. Shimun, which would have required Mr. Shimun to "lay off a lot of people" but the majority of Council did "not want to lay off anyone." He felt approving this was the only option if Council refused to lay off any Town employees.

Councilmember Crowley pointed out that this resolution would only set the cap; they had two more workshops before final approval, but must inform the Property Appraiser of their cap by August.

Regarding Councilmember Caletka's proposal, Mr. Shimun reminded Council that they had "stripped every capital improvement project out of the budget in order to balance it, so when we do have some reserves left over at the end of the year, that can go towards capital improvements the following year."

Councilmember Caletka said he was examining the budget line by line to identify areas that could be cut. He was confident some "hybrid solution" could be created that would obviate the need to raise the millage rate.

Mr. Ackerman reminded Council that they would lose any flexibility to make changes if they went with the lower number now.

Councilmember Caletka made a motion, seconded by Mayor Truex, to set the millage rate cap at 4.1215%. Mr. Ackerman explained that this would represent a \$1 million loss, which would be compounded every year.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - no; Councilmember Caletka - yes; Councilmember Crowley - no; Councilmember Starkey - no. (Motion failed 2-3)

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve a 4.2455% millage cap. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Mr. Ackerman explained to Councilmember Starkey that going from a millage rate of 4.2456% to 4.1215% represented a 3% drop and a difference of approximately \$1 million. Councilmember Caletka referred to his plan to use reserves to make up the loss of revenue, and he thought that if residents discovered the additional build up in reserves, they might be angry that they had been overtaxed to accomplish this.

Councilmember Starkey noted that Town Councils for the past ten years had maintained or reduced the millage rate, and she wanted to continue this practice. She stated that the two cities on which Councilmember Caletka had based his comparisons were not full service cities; they outsourced their police and/or fire services. Councilmember Starkey did not favor taking funds from reserves. She said many economists advised keeping more than three months' operating funds in reserve.

Vice-Mayor Luis felt they could vote comfortably for the 4.2456% cap and they could decide on a lower millage rate in workshop.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to set a cap of 4.2450%. In a voice call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Councilmember Crowley recommended Council return to this item later in the meeting.

Mr. Ackerman agreed to provide a set of rates and their projected revenues to Council later in the meeting. He advised that Council must provide a figure to the Tax Appraiser by August 1st.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to move this item to a later time during this meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Upon returning to the item, Mr. Ackerman distributed a chart describing the changes in revenue correspondent to changes in millage rate.

Councilmember Caletka made a motion to set the millage rate at 4.1215%, the current millage rate.

Mr. Rayson informed Council that this had already been moved and defeated and would therefore require a motion to reconsider the previous motion from a Councilmember on the prevailing side of the vote.

Councilmember Caletka made a motion to set the millage rate at 4.1214%. The motion died for lack of a second.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to cap the millage rate at 4.2043%. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - no. (Motion failed 2-3)

Later in the meeting, Mayor Truex suggested Council set a date for further discussion regarding the millage rate.

Councilmember Caletka made a motion, seconded by Councilmember Crowley, to reconsider a 4.2456% millage rate. In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. ((Motion carried 3-2)

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to support a millage rate of 4.2456%. In a voice vote, with Mayor Truex and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-2)

## **5. PUBLIC HEARING**

### *Resolution*

- 5.1 **ACTION PLAN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
- R-2008-152 **ADOPTING THE FY 2008/09 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN WHICH INCLUDES THE CDBG PROGRAM BUDGET; AUTHORIZING THE TOWN ADMINISTRATOR TO EXECUTE ALL NECESSARY**

CERTIFICATIONS AND GRANT RELATED DOCUMENTS; AUTHORIZING MINOR, NON-SUBSTANTIVE CHANGES TO THE ACTION PLAN WHICH MAY BE IDENTIFIED DURING THE REVIEW AND APPROVAL PROCESS WHICH DO NOT SIGNIFICANTLY AFFECT THE PURPOSE, SCOPE, BUDGET, OR INTENT OF THE PLAN; AND AUTHORIZING SUBMISSION OF THE ACTION PLAN TO HUD.

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Housing & Community Development Director Shirley Taylor-Prakelt explained they had developed their HUD action plan for federal funds over a five-year period and Council had adopted this plan last July. She was expecting \$631,945 from HUD and recommended the funds be used for four programs: emergency assistant/homeless prevention; foreclosure prevention/emergency housing crisis resolution; children's scholarship program; and target area improvement program. Projects possible in the last program included improvements to: the Orange Park Community Center, the Potter Park facility, construction of a gym or covered play area for the Boys and girls Club, storm shutters for the Griffin Gardens Elderly Housing Project and financial assistance for residents of 41st Place was included in the water/sewer project.

Ms. Taylor-Prakelt requested Council's approval to submit the application to U.S. HUD to receive the funding effective October 1, 2008.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinances - Second and Final Reading*

5.2 **PENSION AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL O**

2008-24 THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN OF DAVIE FIREFIGHTERS PENSION TRUST FUND TO ADOPT THE PENSION PROVISIONS OF THE 2005 - 2008 FIREFIGHTER COLLECTIVE BARGAINING AGREEMENT; AMENDING SECTION TWO OF THE PLAN TO REVISE THE DEFINITION OF EARNABLE COMPENSATION TO INCLUDE TOTAL REMUNERATION EXCLUSIVE OF OVERTIME; AMENDING SECTION FOUR OF THE PLAN TO PROVIDE FOR MEMBER CONTRIBUTIONS OF 8.4% OF EARNABLE COMPENSATION; AMENDING SECTION SIX OF THE PLAN TO CLARIFY THE NORMAL FORM OF RETIREMENT BENEFIT FOR A MARRIED PARTICIPANT AS THE 60 PERCENT JOINT AND SURVIVOR ANNUITY OR UNREDUCED TEN YEAR CERTAIN AND LIFE ANNUITY; AMENDING SECTION SIX OF THE PLAN TO PROVIDE FOR A HIGHER MULTIPLIER FOR A MEMBER'S SIXTEENTH THROUGH TWENTIETH YEARS OF SERVICE;

AMENDING SECTION FOURTEEN OF THE PLAN TO PROVIDE FOR A FIVE YEAR DROP; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; AND PROVIDING FOR AN EFFECTIVE DATE. **{Approved on First Reading July 2, 2008. The vote was as follows: Mayor Truex - no; Vice Mayor Luis - yes; Councilmember Starkey - yes; Councilmember Caletka - no; Councilmember Crowley - yes}**

Mr. Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 3-2)

- 5.3 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 7, FIRE PREVENTION AND PROTECTION, CREATING SECTION 7-51, OF THE DAVIE CODE, TO PROVIDE FOR A COMMUNITY AUTOMATED EXTERNAL DEFIBRILLATOR PROGRAM; INCLUDING PROVIDING FOR DEFINITION FOR AUTOMATIC EXTERNAL DEFIBRILLATORS; REQUIRING AUTOMATIC EXTERNAL DEFIBRILLATORS IN CERTAIN OCCUPANCIES; PROVIDING FOR INSTALLATION AND OPERATION; PROVIDING FOR A INSTALLATION FEE AND PROVIDING FOR PENALTIES; PROVIDING FOR CODIFICATION, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. {Approved on First Reading July 2, 2008. All voted in favor.}**

This item was tabled earlier in the meeting.

- 5.4 **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TOWN'S BUSINESS TAX RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATUTES, BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. [requires supermajority vote] {Approved on First Reading July 2, 2008. The vote was as follows: Mayor Truex - yes; Vice Mayor Luis - yes; Councilmember Starkey - yes; Councilmember Caletka - no; Councilmember Crowley - yes}**

Mr. Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor

Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

- 2008-26      5.5      **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**  
APPROVING REZONING PETITION ZB 2-1-08, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM B-2, COMMUNITY BUSINESS DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 2-1-08, New Life Assembly of God, 8151 Stirling Road)  
**{Approved on First Reading July 2, 2008. The vote was as follows: Mayor Truex - yes; Vice Mayor Luis - yes; Councilmember Starkey - yes; Councilmember Caletka - no; Councilmember Crowley - yes}**

Mr. Muniz read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

John Voigt, representing the petitioner, stated that the only condition was to continue communications with the residents of Davie Lake Estates.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve, with the same condition: to meet with the residents prior to site plan. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - no; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 4-1)

#### *Resolution*

- 5.6      **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2009-2013. (tabled from June 18, 2008)**

Mr. Rayson read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Caletka wanted it noted that this would include Betty Booth Roberts Park, Veterans Park, and the road repaving for Park City. Mr. Diez stated that staff was still working on estimates for projects to be added. He had forwarded information to the Open Space Advisory Committee and would be attending their next meeting to discuss the items they proposed would come out of the open space bond.

Councilmember Caletka asked that Mr. Diez solicit the Parks and Recreation Advisory Board's input on the open space issues as well. Mr. Shimun recommended tabling this item until they knew what would be included. Mr. Rayson confirmed he would have an opinion regarding the use of the open space funds by their next meeting.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to table to Council's next meeting [August 6, 2008].

Councilmember Starkey recommended that this be presented to the Budget Advisory Board as well. She was concerned there would not be sufficient funding for asphalt maintenance. Mr. Diez noted the old method of evaluating roads was no longer satisfactory and they must reevaluate the entire Town roadway system, which he proposed to do in 2009. He explained that the funding identified for the overlay program was the balance of the funds from the 2006 bond. Mr. Diez proposed to use part of that money to perform the reevaluation. Councilmember Starkey wanted scheduled resurfacings to continue. Mr. Diez explained that the remaining \$244,000 was not going to overlay much, which was why he was proposing that the entire roadway system be reevaluated. Councilmember Starkey disagreed with using the remainder of the bond money for a study.

In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

*Quasi-Judicial item*

5.7 **VARIANCE** - V 3-2-08, Rogers, 540 Green River Lane (PRD 3.8) (to reduce the required side setback from 15 feet to 9.2 feet from the western property line) (tabled from July 2, 2008) *Planning and Zoning Board recommended approval*

Mr. Rayson swore in the witnesses. Planning & Zoning Manager David Quigley summarized the planning report.

Mark Morisett, representing the applicant, explained that the original developer had built the slab beyond the community's zoning requirements. The Town had approved this and granted a Certificate of Occupancy, but now, 17 years later, the owner was prevented from improving the property because of it. Mr. Quigley explained that a slab at grade did not need to meet the same setback requirements. As far as staff was concerned, the original construction had not been approved illegally because it met the setback at the time.

Mr. Rayson opened the public hearing portion of the meeting. As no one spoke, Mr. Rayson closed the public hearing portion of the meeting.

Council gave their disclosures on this item.

Mr. Quigley had consulted the plans and reported there was a problem with the existing structure because it was less than the 15-foot required setback. He noted that this would only become an issue when an application for a permit regarding the screen enclosure was submitted.

Mr. Rayson advised Council to make a motion to make the technical change to the variance application, changing the setback to 14.4 feet.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to correct the variance to indicate a 14.4-foot side setback instead of a 15-foot setback. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to approve the variance as amended. In a roll call vote, the vote was as follows: Mayor

Truex - yes; Vice-Mayor Luis - yes; Councilmember Caletka - yes; Councilmember Crowley - yes; Councilmember Starkey - yes. (Motion carried 5-0)

## **6. APPOINTMENTS**

### **6.1 Mayor Truex**

- 6.1.1 Senior Citizen Advisory Committee (two exclusive appointments - terms expire April 2010) (members shall be a minimum 60 years of age)

Mayor Truex appointed Marguerite Olsen.

- 6.1.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

### **6.2 Councilmember Caletka**

- 6.2.1 Parks and Recreation Advisory Committee (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Caletka appointed Anthony Burzo.

### **6.3 Councilmember Crowley**

- 6.3.1 Parks and Recreation Advisory Committee (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Crowley appointed Caryl Casey-Hattan.

- 6.3.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

### **6.4 Councilmember Starkey**

- 6.4.1 Agricultural Advisory Board (one exclusive appointment - term expires April 2010) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.



- 6.4.2 Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 6.5 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager - both members shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointments were made.

## **7. OLD BUSINESS**

- 7.1 Charter Review Board Recommendations (deferred from July 2, 2008)

Council was in favor of the changes to Section 8.A. The majority of Council opposed the changes to the Transfer of Appropriations Section. Council agreed to the changes to the Centralized Purchasing Section. Council was in favor of the Changes to the Insurance and Safety Bonds Section and subsections.

- 7.2 2006 Open Space Bond: Due Diligence

Program Manager Phil Holste provided Council with updates on the Gill, Spykes Grove, Tool and Weekley properties.

Councilmember Starkey noted that the Open Space Advisory Committee had recommended moving forward with the Gill and Weekley properties, and the Council may want to consider these. She did not favor going forward with the Tool or Spykes Grove properties. Mr. Holste agreed to provide Council with the information he anticipated receiving from Mr. Weekley. He explained they would need an updated appraisal for the Gill Property.

Councilmember Caletka suggested two distressed properties on 41st Court, east of 64th Avenue to be used for open space/pocket parks. Councilmember Starkey recommended referring these two properties to the Open Space Advisory Committee to evaluate. Council agreed to consider these two properties after staff provided the location.

Council agreed to direct staff to obtain review appraisals for the Weekley and Gill properties.

## **8. NEW BUSINESS**

There was no new business discussed.

## **9. SCHEDULE OF NEXT MEETING**

- 9.1 Digital Design Preference (RAC) - August 6, 2008 at 6:00 p.m.  
9.2 Fire Station Update - August 11, 2008 at 6:00 p.m.

- 9.3 Special Council Meeting - September 3, 2008 at 6:00 p.m.
- 9.4 Solid Waste and Fire Final Special Assessments - September 15, 2008 at 12:00 p.m.

Mayor Truex reminded Council that they had agreed to meet at 5:30 p.m. on August 20th prior to their regular meeting to discuss the charities.

## **10. MAYOR/COUNCILMEMBER'S COMMENTS**

### **COUNCILMEMBER CALETKA**

**BUDGET PROPOSAL PRESENTATION.** Councilmember Caletka said he would like to make his proposal at the August 11 budget workshop.

**POLICE PATROLS.** Councilmember Caletka thanked the Police Department for their patrols on 61st and 58th Avenues.

**BERGERON PLAYGROUND.** Councilmember Caletka asked for an update on the new playground equipment for Bergeron. Mr. Diez explained that this issue had not gone out to bid yet. This project had been included in the capital plan and if it was approved, they would begin the process to replace it in October.

### **VICE-MAYOR LUIS**

**SHENANDOAH PARTY.** Vice-Mayor Luis announced that the Shenandoah Association would be having an opening party on October 18th and asked if the \$500 park use fee could be waived. Council agreed.

### **COUNCILMEMBER CROWLEY**

**GOVERNOR LEROY COLLINS PARK DEDICATION.** Councilmember Crowley announced the dedication would be held on August 9th and asked that this announcement be posted on the Town's web site.

**HIATUS ROUNDABOUT.** Councilmember Crowley clarified that he had not been accusing Councilmember Starkey of interfering in their earlier discussion.

### **COUNCILMEMBER STARKEY**

**CHARTER BALLOT QUESTIONS.** Councilmember Starkey advised that the Broward County Charter Review Commission distributed the ballot questions in their brochure.

**TOWN HOUSING DEPARTMENT AWARD.** Councilmember Starkey congratulated the Town's Housing Department and staff for scoring number 1 in the County for affordable housing initiatives.

**FIREFIGHTERS AWARD IN ADVANCED LIFE SUPPORT.** Councilmember Starkey congratulated the firefighters who had recently won second place in advanced life support and suggested the Town recognize them for their efforts.

**FLORIDA LEAGUE OF CITIES.** Councilmember Starkey advised that there was still time to sign up for legislative committees.

**FLAMINGO LANDSCAPING PROJECT.** Councilmember Starkey asked for an update on the Flamingo Road landscaping project. Mr. Diez explained that staff was still working with the consultant and agreed to bring the conceptual plans to Council. Councilmember Starkey requested a workshop prior to a Council meeting for Council to

evaluate designs. Mayor Truex suggested Council see the proposal before determining that they needed a workshop.

#### **MAYOR TRUEX**

**REESE ROAD ISSUES.** Mayor Truex had received a letter from a resident suggesting signage on Reese Road. Councilmember Caletka said he had investigated this some time ago and determined there was no available space for signage. Mr. Diez said that staff had investigated the possibility of installing a sidewalk on Reese Road, but confirmed there was no available right-of-way space.

#### **11. TOWN ADMINISTRATOR'S COMMENTS**

**EASE FOUNDATION.** Mr. Shimun announced that the EASE Foundation would hold its 21<sup>st</sup> Annual Humanitarian of the Year luncheon in October, and asked if the Town would contribute \$2,500 to be a corporate sponsor. Council agreed.

#### **12. TOWN ATTORNEY'S COMMENTS**

**HIGHWAY RECOVERY FEE.** Mr. Rayson said he had been contacted by other cities regarding the highway recovery fee.

#### **13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 10:52 p.m.

Approved\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk